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8 and Counter-Defendants RUSSELL L.
BERNEY and JEAN C. BUTLER
9

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
12

13 CATALINA YACHTS, INC., a
California corporation,
14 Plaintiff,
15

v.

16 SHARON DAY, an individual;
17 GERARD DOUGLAS, an individual;
and DOES 1 through 10, inclusive,
18 Defendant.
19

20 **AND RELATED COUNTERCLAIMS**
21

Case No. 2:25-cv-04090-SVW-RAO
Assigned to The Hon. Stephen V.
Wilson

**DECLARATION OF JACQUELINE
MCGUINNESS IN SUPPORT OF
COUNTER-DEFENDANTS
CATALINA YACHTS, INC.'S,
RUSSELL LANE BERNEY'S, AND
JEAN C. BUTLER'S NOTICE OF
MOTION AND MOTION TO
DISMISS GERARD DOUGLAS'
COUNTERCLAIM AND COUNT
FOUR OF SHARON DAY'S
COUNTERCLAIM**

*[Filed concurrently with Notice of
Motion and Motion; and [Proposed]
Order]*

24 Date: October 20, 2025
25 Time: 1:30 p.m.
Ctrm.: 10A
26

Action Filed: May 7, 2025
Trial Date: None Set
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DECLARATION OF JACQUELINE MCGUINNESS

1 I, Jacqueline McGuinness, declare as follows:

2 1. I am an attorney duly admitted to practice before this Court. I am an
3 associate with Ervin Cohen & Jessup LLP, attorneys of record for Counter-
4 Defendants Catalina Yachts, Inc. (“Plaintiff”), Russell Lane Berney (“Berney”), and
5 Jean C. Butler (“Butler”) (collectively, “Movants”). I have personal knowledge of
6 the facts set forth herein, except as to those stated on information and belief and, as
7 to those, I am informed and believe that they are true. If called as a witness, I could
8 and would competently testify to the matters stated herein. I make this declaration in
9 support of Movants’ Motion to Dismiss Gerard Douglas’ Counterclaim and Count
10 Four of Sharon Day’s Counterclaim (the “Motion to Dismiss”).

11 2. On August 22, 2025, I spoke by telephone with Daniel Kaplan of The
12 Law Offices of Daniel A. Kaplan, counsel for record for Defendant and Counter-
13 Plaintiff Gerard Douglas (“Douglas”) and Steven Berman of Shumaker, Loop &
14 Kendrick LLP, counsel for record for Defendant and Counter-Plaintiff Sharon Day
15 (“Day”) (collectively, “Defendants”) regarding the substance of the Motion to
16 Dismiss.

17 3. During this conversation with Messrs. Kaplan and Berman, I discussed
18 each of the eleven counterclaims alleged in Douglas’ Counterclaim and the tortious
19 interference counterclaim alleged in Day’s Counterclaim, as well as the grounds for
20 Movants’ Motion to Dismiss. Notwithstanding this conversation, Defendants
21 declined to withdraw their counterclaims.

22 I declare under penalty of perjury under the laws of the United States of
23 America that the foregoing is true and correct.

24 Executed on this 29th day of August 2025, at Beverly Hills, California.

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26
27 
Jacqueline McGuinness
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